

**AMENDMENTS TO CLAIMS**

37. (Currently amended) An isolated promoter [polynucleotide comprising a transcriptional regulatory element] responsive to the presence of auxin, wherein said promoter [polynucleotide] is selected from the group consisting of: SEQ ID NO[S]: 3, SEQ ID NO: 4, [and] SEQ ID NO: 16, [;] nucleotides 647-1307 of SEQ ID NO: 3, [;] nucleotides 647-1307 of SEQ ID NO: 4, [;] and nucleotides 647-1306 of SEQ ID NO: 16.

38. (Currently amended) A recombinant expression cassette, comprising a polynucleotide of interest operably linked, in sense or anti-sense orientation, to [an] the isolated [polynucleotide] promoter of Claim 37.

39. (Currently amended) A method of [selectively inducing altered] altering the expression of a polynucleotide [a gene] of interest in a plant, said method comprising stably incorporating into the genome of said plant the expression cassette of Claim [53] 38 and [inducing activation of the transcriptional regulatory element by] exposing said plant to an auxin, wherein the promoter induces transcription of the polynucleotide of interest.

40. (Currently amended) The method of Claim 39, wherein said [induced alteration in gene expression] transcription of the polynucleotide of interest occurs in one or more tissues selected from the group consisting of anther [tissue], tapetum [tissue], and meristem [tissue].

53. (New) A host cell comprising the recombinant expression cassette of Claim 38.

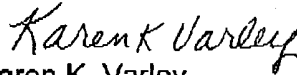
54. (New) A plant cell comprising the recombinant expression cassette of Claim 38.

55. (New) A transgenic plant comprising the plant cell of Claim 54.

56. (New) A transgenic seed from the transgenic plant of Claim 55.

The undersigned respectfully requests that an interview be granted, if necessary, to discuss the proposed amendment or to resolve any other remaining issues.

Respectfully submitted



Karen K. Varley  
Agent for Applicants  
Registration No. 45,751

PIONEER HI-BRED INTERNATIONAL, INC.  
Corporate Intellectual Property  
7100 NW 62<sup>nd</sup> Avenue, PO Box 1000  
Johnston, IA 50131-1000  
Phone: (515) 334-6780  
Facsimile: (515) 334-6883